

DISTRICT OF LAKE COUNTRY

BYLAW 965

A BYLAW TO REGULATE BLASTING

The Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. DEFINITIONS:

1.1. Unless otherwise defined in this Bylaw, a word or expression in this Bylaw has the meaning assigned to it in the *Local Government Act, Interpretation Act, Community Charter* or any successor legislation.

1.2. In this Bylaw:

“Affected Community” means all properties within the anticipated area of impact of the proposed **Blasting** site as determined by the **Blasting Consultant**.

“Applicant” means an **Owner** of land or his agent duly authorized in writing, who applies for a **Blasting Permit**.

“Blast” means a wave of highly compressed air spreading outward from an explosion in connection with any **Blasting** under this Bylaw.

“Blaster” means an individual named on a valid **Blasting** Certificate issued by WorkSafeBC.

“Blasting” means the handling, preparation, and usage of explosives.

“Blasting Consultant” means a professional engineer or a person with relevant qualifications or reputation accepted by the **District** that has experience and expertise in **Blasting** in rural and urban areas and is independent of the **Blaster** as well as the explosive manufacturer and distributor.

“Blasting Permit” means a document that must be obtained under this Bylaw in order to permit **Blasting** to commence in a certain parcel.

“Blasting Site” means the lands on which Blasting will be undertaken under this Bylaw.

“District” means the municipality of the **District** of Lake Country.

“District Engineer” means the manager of the District’s Engineering Department, their designate or such other person as designated by the District.

“Owner” means, in respect of real property, a person registered as an owner of an estate in land in fee simple, a tenant for life of a life estate registered against title to the land, or the registered owner of an agreement for sale registered against title to the land, and includes their agent duly authorized in writing.

“**Pre-existing Foundation**” means the lowest load-bearing part of a building structure, typically below ground level, existing prior to the commencement of **Blasting** in the **Affected Community**.

“**Pre-Blasting Survey**” means a record that documents the conditions of the **Affected Community** of the proposed blast site in accordance of part 5 of this Bylaw.

“**Pre-Blast Surveyor**” means the person conducting the Pre-Blast Survey;

“**Seismograph**” means an instrument used to measure and record vibrations within the earth and of the ground.

2. BLASTING PERMIT

- 2.1. No person shall carry out or have cause to carry out **Blasting** without first obtaining a **Blasting Permit** from the **District**.
- 2.2. A **Blasting Permit** shall not be issued to an **Applicant** unless the **Applicant** is a **Blaster**, the **Applicant** has a **Blaster** in their employment, or the **Applicant** has a contract with a **Blaster** in respect of the work for which the **Blasting Permit** is intended.

3. OBTAINING OF BLASTING PERMIT

- 3.1. The **Applicant** for a **Blasting Permit** shall make written application on a form prescribed by the **District** Engineer or designated **District** personnel as determined by the District Chief Administrative Officer.
- 3.2. The application shall contain the following:
 - (a) A description of the scope of work, including the purpose for which **Blasting** is required.
 - (b) The address, legal description and **Owner** of **Blasting Site**.
 - (c) The date upon which work is proposed to commence and the probable duration.
 - (d) A copy of a valid **Blasting** certificate issued by WorkSafeBC to the **Blaster** that will undertake the work; and
 - (e) Such other information the **District** of Lake Country may require based on geographical location, size and other potential variables in reference to the specific **Blasting** site.
- 3.3. As part of the permit application process, the **Applicant** must identify their proposed **Blasting Consultant**, acceptable to the **District** Engineer or designated **District** personnel as determined by the District Chief Administrative Officer. This individual must be independent of the **Applicant** and the **Blaster** as well as the explosives manufacturer and distributor.
- 3.4. The **District** will rely on the knowledge and expertise of the **Blasting Consultant** and will assume no responsibility for any errors of the **Blasting Consultant**.
- 3.5. A **Blasting Permit** shall not be issued until the **Applicant** has satisfied the requirements of this part 3 (Obtaining of Blasting Permit) part 4 (Pre-Blast Survey) and part 7 (Security).
- 3.6. An application for a **Blasting Permit** must be accompanied by a payment of a permit fee of \$150.00.

- 3.7. A **Blasting Permit** shall be valid for 90 days following its issue or longer as determined by the **District Engineer** or designated **District** personnel as determined by the **District Chief Administrative Officer**.

4. PRE-BLAST SURVEY

- 4.1. No person shall carry out or permit **Blasting** unless a **Pre-Blast Survey** has been conducted of that area that is anticipated to be the **Affected Community** as determined by the best judgement of the **Blasting Consultant**. The results of such **Pre-Blast Survey** must be submitted to the **District** and the **Owner** of the **Blasting Site** as the **Pre-Blast Survey** must be approved by the **District** and the **Owner** of the **Blasting Site**.
- 4.2. The **Pre-Blast Survey** shall include the following:
- (a) A project description and details of the **Blasting**;
 - (b) The location of the **Blasting**;
 - (c) The **Blaster's** name and contact information;
 - (d) The **Pre-Blast Surveyor's** name and contact information;
 - (e) The approximate start and completion date for the **Blasting**;
 - (f) Details of all structures within the **Affected Community** including;
 - (i) Details of those structures inspected by the **Pre-Blast Surveyor** within the **Affected Community** and all relevant information with respect to the affect that **Blasting** would have on those structures;
 - (ii) Details of those structures not inspected by the **Pre-Blast Surveyor**, the reasons why they were not inspected and all relevant information with respect to the effect that **Blasting** would have on those structures; and
 - (iii) High-quality visuals of the exteriors and interiors of all structures inspected by the **Pre-Blast Surveyor** as prescribed by the **Blasting Consultant** in reproducible format;
 - (g) Landscape features within the **Affected Community** and all relevant information with respect to the effect that **Blasting** would have on the landscape features;
 - (h) Details of all infrastructure and works within the **Affected Community** and all relevant information with respect to the effect that **Blasting** would have on the infrastructure and works;
 - (i) Confirmation that all owners of lands within the **Affected Community** were contacted by the **Pre-Blast Surveyor** and notified of the proposed **Blasting** and **Pre-Blast Survey** and if not contacted, the reasons why; and
 - (j) Written confirmation that the owner of the **Blasting Site** has been provided with a copy of the **Pre-Blast Survey** and has approved it.
- 4.3. A copy of the **Pre-Blast Survey** must be provided and may be reviewed by the **Owner** of the **Blast Site** or the **District** upon request and the **Pre-Blast Survey** must be maintained by the **Blasting Consultant** for at least one year following the completion of **Blasting**.
- 4.4. Contact and the conducting of the **Pre-Blast Survey** must be made to the **Owners** of lands within the **Affected Community** and carried out in a timely manner and in any event, at least 14 days prior to the commencement of permitted **Blasting**.

5. NOTIFICATION OF BLASTING

- 5.1. No person shall carry out or have cause to carry out **Blasting** unless notice is delivered to all Owners of lands within the **Affected Community** following the issuing of a **Blasting Permit** at least seven days before and intended **Blasting**.
- 5.2. The notice required under this part 5 shall be in written form and shall include the following information as well as any other necessary information as prescribed by the **District**:
- (a) The name of the person responsible for **Blasting** including a contact person and telephone number;
 - (b) the intended date and time when **Blasting** shall commence and its expected duration; and
 - (c) the location of the **Blasting Site**.
- 5.3. The notice under this part 5 shall be provided as follows:
- (a) By posting or erecting on the **Blasting Site** a sign containing a copy of the **Blasting Permit**; and
 - (b) By serving each **Owner** of lands within the **Affected Community** personally or by registered mail with a copy of the **Blasting Permit**
- 5.4. In addition to the notification requirements in section 5.1 through 5.3, the following protocol must be carried out if the **Blasting Consultant** deems it necessary;
- (a) Such notice as required by section 5.1 has been given to the senior administrator of any school, hospital, or health care facility in the vicinity of the **Affected Community**; and
 - (b) The senior administrator of each facility detailed in subsection (a) is also informed at least two hours prior to the commencement of each **Blast**.

6. RECORD KEEPING AND SUBMISSION OF RECORDS

- 6.1. During the course of **Blasting**, the **Blasting Consultant** shall review the blast records and confirm with the **Blaster** and **District** that **Blasting** is being carried out in accordance with the specifications of this by-law, and shall immediately report any problems, unusual circumstances or inconsistencies to the **Blaster/ District**. **Blasting** monitoring reports must be submitted to the **District Engineer** or designated **District** personnel as determined by the **District** Chief Administrative Officer.
- 6.2. At least one recording **Seismograph** shall be used for every **Blasting** when deemed appropriate by the **Blasting Consultant** and the **Seismograph** records shall be retained by the **Applicant** for at least one year following the **Blasting** and shall be made available to the **District** if requested by the **District**.

7. SECURITY

- 7.1. As a condition precedent to the issuance of a **Blasting Permit**, the **Applicant** shall file with the **District** a policy of liability insurance, in the amount of five million dollars (\$5,000,000.) naming the **District** of Lake Country as co-insured insured and providing indemnity for judgements and defense of actions for injuries for loss or damage resulting from any accident or occurrence for which the **Applicant**, **Applicant's** agents, servants and employees may be liable as the result of the **Blasting** operations. The policy must be acceptable in form and substance to the **District** and cannot have any **Blasting** related exclusion.

8. REGULATIONS

- 8.1. No person shall permit or carry out or have cause to carry out **Blasting** on a Saturday, Sunday, Remembrance Day, or a holiday as defined in the Interpretation Act, as amended from time to time.
- 8.2. Subject to section 8.1, no person shall permit or carry out or have the cause to carry out **Blasting** before 8:30 am or after 4:30 pm.
- 8.3. The **Blaster** or the **Owner** of the **Blasting Site** shall ensure that the **Blasting Site** and any adjacent area affected by the **Blasting** are left in a neat and safe condition.
- 8.4. The **District** Engineer or designated **District** personnel as determined by the **District** Chief Administrative Officer shall have the power at any time to cancel or suspend any **Blasting Permit** if in their opinion such **Blasting** operations are carried on thereunder in a dangerous, incompetent, negligent or unsafe manner by giving written notice thereof to the holder of said **Blasting Permit**.
- 8.5. In the event of written notice by the District Engineer under section 8.4, the following shall apply:
 - (a) Such notice shall be delivered in person, or sent by registered mail to the address given on the application for the **Blasting Permit**, or by the posting of a Stop Work Order.
 - (b) Such **Blasting Permit** shall thereupon be immediately cancelled, and the holder thereof shall immediately return it to the **District** Engineer or designated **District** personnel as determined by the District Chief Administrative Officer.
 - (c) No person whose **Blasting Permit** has been cancelled or suspended shall engage in or carry on **Blasting** within the **District**.
- 8.6. This Bylaw shall not be applicable to **Blasting** carried out by the **District**.
- 8.7. This Bylaw shall not be applicable to **Blasting** carried out under a permit granted by the government of Canada or the province of British Columbia.
- 8.8. No person shall interfere with or obstruct the **District** or the **Blasting Consultant** in the enforcement or administration of this Bylaw.

9. PENALTIES

- 9.1. Any person who violates a provision of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, commits an offence and is liable on summary conviction to a penalty not exceeding Ten Thousand Dollars (\$10,000) plus the cost of prosecution.
- 9.2. Each day that the violation continues to exist shall constitute a separate offence.

10. SEVERABILITY

- 10.1. If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder of this Bylaw.

11. CITATION

11.1. This Bylaw may be cited for all purposes as “Blasting Bylaw 965, 2016”

READ A FIRST TIME this 21st day of June, 2016.

READ A SECOND TIME this 21st day of June, 2016.

READ A THIRD TIME this 21st day of June, 2016.

THIRD READING RESCINDED this 19th day of July, 2016.

READ A THIRD TIME AS AMENDED this 19th day of July, 2016.

ADOPTED this 16th day of August, 2016.

Original signed by James Baker

Mayor

Original signed by Reyna Seabrook

Corporate Officer

I hereby certify the foregoing to be a true and correct copy of the Bylaw cited as “Blasting Bylaw 965” as adopted by Council on the 16th day of August, 2016.

Dated at Lake Country, BC

Corporate Officer